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AMERICAN RAILROAD RATES. By Walter Chadwick Noyes. Boston: Little, Brown & Company. 1905. pp. 277. 8vo.

The title-page of this work announces that the writer is a judge, president of a railroad and author of a well-known legal treatise. Scarcely less wide in range than the versatility of the author's talents is the selection of topics he has discussed. The first three chapters sketch in broad lines the established principles of economic theory which govern the adjustment of railway rates. Then follows a discussion of certain practical problems in the management of railroads. One chapter contains an excellent description of the method by which in actual practice the various articles of traffic are classified and tariffs adjusted. In another chapter are explained and illustrated the conditions which give rise to the practice of discrimination. Perhaps of most immediate interest to the lawyer is the running commentary made upon the legal questions raised by the various phases of rate-making discussed, which culminates in two special chapters entitled: "State Regulation of Rates" and "Federal Regulation of Rates." The legal duty of the railroad to the public is briefly discussed. The principal provisions of the Interstate Commerce Act and the leading decisions in interpretation thereof, are summarized, and the practical workings of the act criticised. After the passage of the act, the author asserts, "pooling was substantially abandoned," but discrimination has persisted in times of business depression when traffic was light, and no adequate relief is provided against unreasonable rates. The volume concludes with a temperate and well-considered inquiry into the expediency and constitutionality of federal regulation: "any effective measure of relief requires the progressive action of two tribunals: (1) the judicial question of the reasonableness of the rate complained of . . . (2) If a rate be judicially found to be unreasonable, the legislative power of making a new rate should be administered." The reasons for adopting this mode of procedure can, however, only be considerations of practical efficiency. Undoubtedly the determining in a controversy between parties litigant the reasonableness of an existing rate is a judicial function. Nevertheless, Congress has the power to create a commission whose duty shall be to ascertain the reasonableness of existing rates in order that their findings of fact may be used as a criterion in fixing a rate for the future. Judge Noyes maintains that inasmuch as the fixing of a reasonable rate for the future is a legislative function, any provision for a judicial review of the action of a commission in order to determine whether the rate fixed by the commission is reasonable, requires the exercise of non-judicial powers by the courts, and is unconstitutional. The importance of this contention is chiefly to enjoin caution in the choice of the language defining the judicial power of review. To determine whether limiting the charge of the carrier to a maximum rate fixed by a commission, deprives the carrier of property without due process of law, is conceded to be a judicial function. The test of the constitutionality of such a rate is whether its enforcement will prevent the company from earning a reasonable profit on the item of business affected. See *Railroad Commission Cases*, 116 U. S. 331; *Chicago, etc., Co. v. City of Chicago*, 199 Ill. 484, 547; 199 *ibid.* 579, 642. And it is not improbable that this same test may be adopted as the rule to guide the commission in determining what shall be a reasonable future rate, with the result that a review, in the strictest sense judicial, would be both common and necessary.

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A TREATISE ON THE LAW OF DOMESTIC RELATIONS. By Joseph R. Long. St. Paul: Keefe-Davidson Company. 1905. pp. xiv. 455. 8vo.

"This book," says the author in his preface, "has been written to supply a need which I have personally felt as a teacher of law. In writing it I have kept my own students constantly in mind, and have endeavored to set forth those principles of the law which I thought they ought to know, in such a manner as to be readily grasped by them." The preface concludes with the hope that the book may not be wholly without value to the practitioner. The author has apparently written in accordance with his expressed purpose. As